IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.302 OF 2006

IN

SUIT NO.1606 OF 2006

Ashok K.Shah. ...Plaintiff.

vs.

Parag A. Doshi. ...Defendant.

Mr.D.D.Madan i/b. D.K.Ailawadi, for Plaintiff.

Mr.Janak Dwarkadas with V.R.Dhond & B.B.Saraf i/b. Y.N.Adhia, for Defendant.

CORAM: D.K.DESHMUKH,J.

DATED: 17th October,2006

P.C.:-

By consent of parties the summons for judgment is disposed of in the following terms:-

1. The defendant to deposit within a period of Sixteen Weeks from today with due intimation to the plaintiff Rs.1,00,00,000/- (Rupees one crore only). On deposit being made, summons for judgment shall stand disposed of and leave to defend shall stand

granted to the defendant. In that event written statement to be filed within Eight weeks from the date of deposit.

2. In case the amount is so deposited, the Prothonotary and Senior Master of this Court shall permit the plaintiff to withdraw the amount on furnishing bank guarantee of nationalised bank to the satisfaction of the Prothonotary and Senior Master of this Court, on furnishing undertaking to the Court that the plaintiff will bring back the amount, if so directed by the Court, on such terms and conditions as may be directed by the Court with further undertaking that in that event, the rate of interest shall not be less than 12% per annum.

3. The withdrawal is permitted within a period of 10 weeks from the date of deposit.

4. If the amount is not withdrawn it should be deposited in fixed deposit in a nationalised bank during the pendency of the suit. If the defendant fails to deposit the amount as directed above, the summons for judgment shall stand granted and the suit shall stand decreed in terms of prayer clause of the suit without any further reference to the Court. In that event refund of Court fees as per rules.